

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

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UNITED STATES OF AMERICA

v.

FENGYUN SHI,

Defendant.

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Case No. 4:24mj3

**ORDER**

Before the Court is the United States's and Defendant Fengyun Shi's Joint Motion to Continue Trial. ECF No. 18. This case was originally set for trial to begin March 25, 2024. Defendant has been charged by superseding criminal information with three counts of Unlawful Photographing of Designated Installation Without Authorization, in violation of 18 U.S.C. § 795, and three counts of Use of Aircraft for the Unlawful Photographing of Designated Installation Without Authorization, in violation of 18 U.S.C. § 796. ECF No. 9. The parties request a continuance of the trial date pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), representing that this case qualified as unusual due to the nature of the prosecution, and presents novel questions of fact or law. The Court addressed the Motion with the parties during a telephone status conference on March 15, 2024. ECF No. 19.

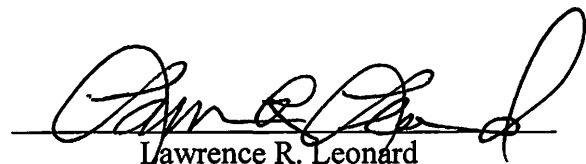
After discussing the matter with the parties, the Court **FINDS** that this case is so unusual based on the nature of the prosecution and the novel questions of both law and fact, that the ends of justice outweigh the interests of the public and the Defendant in a speedy trial, thereby warranting a continuance. 18 U.S.C. § 3161(h)(7)(B)(ii). Defendant has been charged under two statutes which have rarely been prosecuted, and under which the Court has been able to find only

one reported case.<sup>1</sup> The Court is persuaded by the parties' argument that a continuance is necessary to ensure that the case is properly pursued under the statutes and that Defendant's rights are protected, and therefore a three-month continuance will serve the ends of justice.

Accordingly, the Joint Motion to Continue Trial, ECF No. 18, is **GRANTED**. The case will be reset for trial to begin June 20, 2024.

The Clerk is **DIRECTED** to forward a copy of this Order to all counsel of record.

**IT IS SO ORDERED.**



Lawrence R. Leonard  
United States Magistrate Judge

March 18, 2024  
Newport News, Virginia

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<sup>1</sup> *Genovese v. Town of Southampton*, 921 F. Supp. 2d 8 (E.D.N.Y. 2013).